

PRELIMINARY AMENDMENT

Dear Sir:

Please amend the above-identified application as follows:

In the Claims

Please cancel claims 1-43, 46, 58-64 without prejudice or admission.

Please amend the following claims:

44. (Once Amended) A method of delivering indomethacin to a selected site within a hippocampus or lateral ventricle comprising steps of:

providing a catheter having a first tubular portion that has a first tubular portion lumen and a second tubular portion partially disposed within the first tubular portion lumen, wherein the step of providing a catheter having a first tubular portion that has a first tubular portion lumen includes the step of:

making the first tubular portion of a material that increases in diameter when heated;

adjusting the length of the second tubular portion extending from the first tubular portion lumen to conform to the dimensions of a selected site in a hippocampus or lateral ventricle, wherein the step of adjusting the length of the second tubular portion includes the steps of:

[illegible]

heating the first tubular portion until the diameter of the first tubular portion lumen increases in diameter a sufficient amount to enable relative sliding movement between the first tubular portion and the second tubular portion; sliding the second tubular portion in the first tubular portion lumen relative to the first tubular portion to provide a preselected length of the second tubular portion extending beyond the end of the first tubular portion; and cooling the first tubular portion until the first tubular portion and the second tubular portion are no longer capable of relative sliding movement; placing the catheter in the hippocampus or lateral ventricle so that the second tubular portion is placed at the selected site in the hippocampus or lateral ventricle; providing a source of indomethacin; coupling the catheter and the source of indomethacin to a pump for delivering indomethacin from the source of indomethacin to the hippocampus through the catheter; and actuating the pump to delivery the indomethacin to the hippocampus or lateral ventricle.

45. (Once Amended) A method of delivering indomethacin to a selected site within a hippocampus or lateral ventricle comprising steps of:

providing a catheter having a first tubular portion that has a first tubular portion lumen and a second tubular portion partially disposed within the first tubular portion lumen, wherein the step of providing a catheter having a first tubular portion that has a first tubular portion lumen includes the step of:

making the first tubular portion of a material that increases in diameter when exposed to a solvent;

adjusting the length of the second tubular portion extending from the first tubular portion lumen to conform to the dimensions of a selected site in a hippocampus or lateral ventricle, wherein the step of adjusting the length of the second tubular portion includes the steps of:

exposing the first tubular portion to a solvent that increases the diameter of the first tubular portion lumen a sufficient amount to permit relative sliding movement of the second tubular portion in the first tubular portion lumen;

sliding the second tubular portion in the first tubular portion lumen to obtain a
preselected length of the second tubular portion extending distally beyond the
distal end of the first tubular portion; and
ceasing to expose the first tubular portion to the solvent whereby the diameter of
the first tubular portion lumen decreases until relative sliding movement
between the first tubular portion and the second tubular portion is prevented;
placing the catheter in the hippocampus or lateral ventricle so that the second tubular
portion is placed at the selected site in the hippocampus or lateral ventricle;
providing a source of indomethacin;
coupling the catheter and the source of indomethacin to a pump for delivering
indomethacin from the source of indomethacin to the hippocampus through the
catheter; and
actuating the pump to delivery the indomethacin to the hippocampus or lateral ventricle.


REMARKS

This amendment cancels the claims elected in response to a restriction requirement in the
parent application without prejudice or admission. Claims 44 and 45 have been rewritten in
independent form. A marked up version of the amended claims illustrating the requested
amendments is attached as Appendix A

In view of the foregoing, favorable consideration and allowance of this application are
requested.

Respectfully submitted,

Date June 1, 2001

By 
Stephen W. Bauer
Attorney Reg. No. 32,192
MEDTRONIC, INC.
MS: LC340
710 Medtronic Parkway
Minneapolis, MN 55432-5604
Tel. 763.505.0422
Fax. 763.505.0411

APPENDIX A

Version illustrating Amendments

44. (Once Amended) [The method of claim 43] A method of delivering indomethacin to a selected site within a hippocampus or lateral ventricle comprising steps of:
providing a catheter having a first tubular portion that has a first tubular portion lumen
and a second tubular portion partially disposed within the first tubular portion lumen,
wherein the step of providing a catheter having a first tubular portion that has a first tubular portion lumen includes the step of:

- [a)] making the first tubular portion of a material that increases in diameter when heated; [and]

adjusting the length of the second tubular portion extending from the first tubular portion lumen to conform to the dimensions of a selected site in a hippocampus or lateral ventricle, wherein the step of adjusting the length of the second tubular portion includes the steps of:

- [(1)] heating the first tubular portion until the diameter of the first tubular portion lumen increases in diameter a sufficient amount to enable relative sliding movement between the first tubular portion and the second tubular portion;
- [(2)] sliding the second tubular portion in the first tubular portion lumen relative to the first tubular portion to provide a preselected length of the second tubular portion extending beyond the end of the first tubular portion; and
- [(3)] cooling the first tubular portion until the first tubular portion and the second tubular portion are no longer capable of relative sliding movement;

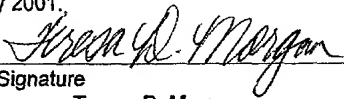
placing the catheter in the hippocampus or lateral ventricle so that the second tubular portion is placed at the selected site in the hippocampus or lateral ventricle;
providing a source of indomethacin;
coupling the catheter and the source of indomethacin to a pump for delivering indomethacin from the source of indomethacin to the hippocampus through the catheter; and
actuating the pump to delivery the indomethacin to the hippocampus or lateral ventricle.

0932698-060104

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
AMENDMENT TRANSMITTAL

In re Application of: Elsberry
For: THERAPEUTIC METHOD FOR TREATMENT OF ALZHEIMER'S DISEASE
Serial No.: 09/539,804
Filed: March 30, 2000

CERTIFICATE UNDER 37 CFR §1.8 I hereby certify that this **Response and Transmittal** and the paper(s), as described herein are being deposited with the United States Postal Service, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on this 31st day of May 2001.



Signature
Teresa D. Morgan

Printed Name

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

We are transmitting herewith the attached:

X RESPONSE Transmittal
X RESPONSE
X Return Postcard

Applicant hereby petitions for 3 months' extension of time. If an additional extension of time is required, please consider this petition therefor.

Please charge Deposit Account No. 13-2546 \$890.00 for extension of time for a **TOTAL OF \$890.00**

Please charge any additional fees or credits to Deposit Account No. 13-2546, which may have been overlooked on this Amendment Transmittal with regard to this filing. A duplicate of this transmittal is enclosed.

5-31-2001

Date



Stephen W. Bauer
Atty. Reg. No. 32,192
MEDTRONIC, INC.
710 Medtronic Parkway NE
Minneapolis, Minnesota 55432-5604
Telephone: (763) 505-0422